



[SFO CHAPTER \h \r 1][ADVANCE \y 63] **UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Mark A. Leskowicz  
Momentive Performance Materials Inc.  
3500 South State Route 2  
Friendly, WV 26146

Re: MPM Silicones Facility  
EPA ID Number: WVD004325353

Dear Mr. Leskowicz:

This letter is in reference to the MPM Silicones Facility ("Facility") located at 3500 South State Route 2, Sistersville, West Virginia, and certain activities conducted at this Facility which resulted in releases of hazardous waste, hazardous substances, pollutants or contaminants into the environment. It has come to EPA's attention that a release of polychlorinated biphenyls ("PCBs") has occurred at the Facility and that company officials became aware of the release some time in 2003 but did not report the release to EPA as required by the Permit for Corrective Action (WVD 004 32 5353) in effect at the time.

Pursuant to the authority granted to the EPA under Section 3007(a) of the RCRA, 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of EPA, duly designated by the Administrator, ...furnish information relating to such wastes...". EPA is also requesting information pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), which grants EPA the authority to require Momentive Performance Materials Inc. ("MPM" or "you") to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), as well as your ability to pay for or perform a cleanup at the above-referenced Facility. EPA hereby requests that you furnish to EPA a written response to the information requested below relating to the Facility, including all documents responsive to such request.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, and Section 104 of CERCLA, 42 U.S.C. § 9604, authorize EPA to pursue penalties for failure to comply with or respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under

18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Instructions for responding to this required submission of information are provided below.

### INSTRUCTIONS

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure 1, *Business Confidentiality Claims/Disclosure To EPA Contractors & Grantees Of Your Response*. You must clearly mark such information by either stamping or using any other form of notice that such information is trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of a question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate by the number of the specific question(s) or subpart of the question(s) to which it responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth, or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its enclosures, that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure 2, Definitions, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure 2. Those terms shall have the meaning set forth in Enclosure 2 any time such terms are used in this Information Request and/or its Enclosures. All other terms used in this request for information that are defined in the RCRA, 42 U.S.C. §§ 6901 et seq. or 40 C.F.R. Parts 260-266, 268, and 273 shall have the meanings set forth therein.
6. Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the

information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Requested Information

1. For the time period beginning July 31, 2003, to the present, provide information concerning any and all monitoring, testing, or sampling activities associated with determining the extent of PCB contamination in and around the SB-71 area (i.e., surface soil, subsurface soil, sediment, and groundwater sampling). Your response should include all work plans, analytical results and lab data sheets, quality assurance data, comments and response to comments, recommendations, and summary information for the Phase I, Phase II, and Phase III SB-71 Alternative Sampling plans.
2. For the time period beginning July 31, 2003, to the present, provide information concerning any and all monitoring, testing, or sampling activities associated with determining the extent of PCB contamination in and around the Wastewater Upgrade Area (i.e., surface soil, subsurface soil, sediment, and groundwater sampling). Your response should include all work plans, analytical results and lab data sheets, quality assurance data, comments and response to comments, recommendations, and summary information.
3. For the time period beginning July 31, 2003, to the present, provide information concerning any and all monitoring, testing, or sampling activities associated with determining the extent of PCB contamination in and around the Burn Bank Area (i.e., surface soil, subsurface soil, sediment, and groundwater sampling). Your response should include all work plans, analytical results and lab data sheets, quality assurance data, comments and response to comments, recommendations, and summary information. In addition, please provide a detailed plant map identifying the exact location of the "Burn Bank Area".
4. For the time period beginning July 31, 2003, to the present, provide information concerning any and all monitoring, testing, or sampling activities associated with the North Inactive Site Area. Your response should include data associated with any leachate collection system, surface water runoff/storm water collection systems, soil borings, groundwater monitoring and sampling, or sediments from any stream which may come in contact with materials deposited in this landfill disposal site.
5. For the time period beginning July 31, 2003, to the present, provide information associated with any PCB quantification in the plant's wastewater treatment system and also in the plant outfall to the Ohio River.
6. For the time period beginning July 31, 2003, to the present, provide copies of all correspondence with Kelly Bunker, EPA Region III PCB Coordinator, or any other staff in the

Region's PCB Program , concerning Phase III PCB characterization at SB-71.

7. For the time period beginning July 31, 2003, to the present, provide information concerning any and all monitoring, testing, or sampling activities associated with the areas referenced in Requests 1, 2, 3, and 4, above, that would be indicative of the presence of any other compound/chemical species that may be considered a "hazardous underlying constituent" which may have been deposited either separately or in conjunction with the PCB containing residues into the 'Lime Pits" and then ultimately into the North Inactive Site.
8. Provide a copy of the Purchase and Exchange Agreement between Crompton Corporation and GE Silicones WV, L.L.C., dated on or about April 24, 2003.
9. Provide copies of any historical documents regarding the Facility from the 1980's to the present which discuss the presence of PCBs at the Facility and any evaluation regarding regulatory reporting requirements performed by Union Carbide.
10. Provide information concerning any and all environmental monitoring, testing, or sampling activities associated with the process areas where PCBs were utilized as heat transfer fluids and thus may have been present in distillation bottoms .
11. Provide information detailing the handling and disposal of heat transfer fluids and distillation bottoms which may have contained PCBs at the Facility.
12. Identify any agreements or contracts with entities that may have some responsibility for and/or who are participating in the investigation and remediation of releases of hazardous waste and/or hazardous constituents from the Facility. Include with your response copies of any such agreements and all correspondence related to such agreements.
13. Identify all persons (full name, address and title) who were in any manner involved in answering and/or providing information concerning the answers provided in your response to this information request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

You must respond in writing to this required submission of information within thirty (30) calendar days of your receipt of this letter. You may also request to meet with EPA to discuss the releases noted above. If you wish to meet with EPA, you must contact Mr. Bill Wentworth, at (215) 814-3184, within ten (10) calendar days of your receipt of this letter to arrange a time to meet. A request for such a meeting will not change the due date for your response.

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If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

Please send, or otherwise ensure delivery of, one copy of the requested information within thirty (30) calendar days of your receipt of this letter to:

Mr. Bill Wentworth (3LC20)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501-3520.

If you have any questions concerning this matter, please contact Mr. Bill Wentworth at (215) 814-3184 or have your attorney contact Ms. Cynthia Nadolski in the Office of Regional Counsel at (215) 814-2673.

Sincerely,

Luis Pizarro, Associate Director  
Office of Remediation  
Land and Chemicals Division  
U.S. EPA Region III

Enclosures: Enclosure 1: Business Confidentiality Claims/Disclosure of Your Response to EPA  
Contractors and Grantees  
Enclosure 2: Definitions

cc: D. Martin (WVDEP)  
M. Wade (WVDEP)  
C. Nadolski (3RC43)  
B. Wentworth (3LC20)  
R. Hiley, Esq.